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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
08/909,130	08/11/1997	JAMES E. COX	33019/138/10	1242	
28075	7590 11/18/2003		EXAMI	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC			DESANTO, MATTHEW F		
SUITE 800	LET AVENUE		ART UNIT PAPER NUMBER		
MINNEAPOLIS, MN 55403-2420			3763		
			DATE MAILED: 11/18/2003	12	

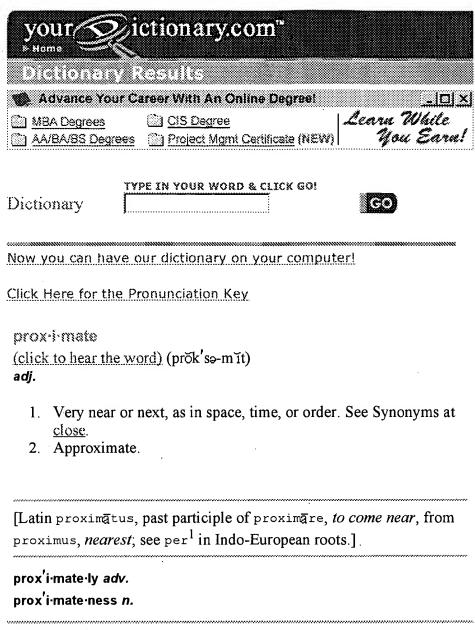
Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	08/909,130	COX ET AL.				
•	Examiner	Art Unit				
	Matthew F DeSanto	3763				
The MAILING DATE of this communication appe	ars on the cover sheet with th	e correspondence address				
THE REPLY FILED 04 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR RE	PLY [check either a) or b)]					
a) The period for reply expires 3_months from the mailing date of b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	isory Action, or (2) the date set forth i an SIX MONTHS from the mailing da FILED WITHIN TWO MONTHS OF	e of the final rejection. THE FINAL REJECTION. See MPEP				
Extensions of time may be obtained under 37 CFR 1.136(a). The dathave been filed is the date for purposes of determining the period of extens 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three moterned patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of statutory period for reply originally se	the fee. The appropriate extension fee unit in the final Office action; or (2) as set fort	der h in			
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CF		•				
2. The proposed amendment(s) will not be entered be	ecause:					
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
(b) they raise the issue of new matter (see Note below);						
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d)  they present additional claims without cancel NOTE:	ing a corresponding number	of finally rejected claims.				
3. Applicant's reply has overcome the following rejection	ction(s):					
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in	a separate, timely filed amendme	ent			
5.⊠ The a)□ affidavit, b)□ exhibit, or c)⊠ required place the application in condition for allow	ance because: See Continuat	on Sheet.				
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.						
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims w						
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed: Claim(s) objected to:						
Claim(s) rejected: <u>4,5 and 10-12</u> .						
Claim(s) withdrawn from consideration:						
8. The drawing correction filed on is a) app	proved or b) disapproved	by the Examiner.				
9. Note the attached Information Disclosure Stateme						
10. Other: Definition of Proximally and Proximate		,				
State		,				
•						

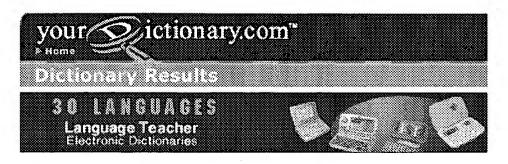
Continuation of 5. does NOT place the application in condition for allowance because: The prior art still teaches the claimed invention. The examiner does not understand the definition of "proximate" and how this definition is different then "proximal." According to The American Heritage Dictionary of the English language, "proximally" and "proximate" have the same definition, therefore making the argument moot. The examiner looked on Page 5, lines 3-4 of the Specification and did not find any definition of "proximate." The examiner next notes the term "collapsible" is a functional language statement. Every lumen is collapsible when enough push is exerted on the catheter, therefore the examiner suggests to add specific structure that forms the "collapsible" lumen or makes the lumen "collapsible".

"/n/03

BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECKNOLOGY CENTER 3700



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[From Latin proximus, nearest; see proximate.]

prox'i·mal·ly adv.

bone.

SACK TO TOP.

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